

Regular Session, 2009

HOUSE BILL NO. 852

BY REPRESENTATIVE SMILEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

BOARDS/COMMISSIONS: Abolishes boards and commissions and like entities

1 AN ACT

2 To amend and reenact R.S. 8:673, 676, 677, 678(A)(introductory paragraph), 679(A),
3 (B)(introductory paragraph), (C), and (D), 680, and 681, R.S. 17:407.4(C), (D), and
4 (E), R.S. 28:821(D), R.S. 36:3(2), 301(A), and 913(A), R.S. 37:2551 and 2552(A),
5 R.S. 40:2109(C), R.S. 46:2623(B) and (D), R.S. 48:55, R.S. 49:149.62(B) and
6 968(B)(3)(a), R.S. 51:912.51, 912.52, 935.1(A)(1)(a), (B)(1), and (D),
7 2452(A)(introductory paragraph), and 2453(2)(d), and Article XIV, Section 47(P)(3)
8 of the Constitution of 1921, continued as statute by Article XIV, Section 16 of the
9 Constitution of 1974, and to repeal R.S. 8:675, R.S. 17:24.4(J), 66.1, 407.1(4), 407.3,
10 and 3951(B)(13), R.S. 36:4(Q) and (V), 209(C)(1) and (H)(3), 259(I)(2), (K), (R),
11 and (T), 309(E) and (F), 651(V) and (W), and 805, R.S. 41:1602, R.S. 42:456.2, R.S.
12 46:2622(2) and 2624, R.S. 49:149.62(C), and R.S. 51:955.3(F) and Chapter 39-A of
13 Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2375
14 through 2383, relative to boards, commissions, authorities, districts, and like entities:
15 to abolish certain inactive boards, commissions, authorities, and like entities; to
16 remove references to certain abolished entities; to remove references to, provisions
17 for, and the powers, functions, and duties of the Adult Learning Task Force, the
18 Educational Assessment Testing Commission, the interim school board for Central
19 Community School System, the Louisiana Home Instruction for Preschool
20 Youngsters Advisory Board, the A. Z. Young Memorial Commission, the

1 Archaeology Survey and Antiquities Commission, the Louisiana Unmarked Burial
2 Sites Board, the Disability Services and Supports System Planning Group, the
3 Statewide Health Coordinating Council, the Louisiana Medical Assistance Trust
4 Fund Advisory Council, the Minority Health Affairs Commission, the Louisiana
5 Economic Development Council and Cabinet Advisory Group on Economic
6 Development, the Manufactured Housing State Administrative Agency, the Uniform
7 Payroll Insurance Committee, and the Economic Development Funding Board; to
8 provide for certain technical corrections regarding placement of boards and
9 commissions in the Executive Reorganization Act; to provide relative to the Board
10 of Examiners of Certified Shorthand Reporters; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 **Adult Learning Task Force.**

13 Section 1. R.S. 17:3951(B)(13) is hereby repealed in its entirety.

14 **Educational Assessment Testing Commission.**

15 Section 2. R.S. 17:24.4(J) and R.S. 36:651(W) are hereby repealed in their entirety.

16 **Interim school board for Central Community School System.**

17 Section 3. R.S. 17:66.1 is hereby repealed in its entirety.

18 **Louisiana Home Instruction for Preschool Youngsters Advisory Board.**

19 Section 4.(A) R.S. 17:407.4(C), (D), and (E) are hereby amended and reenacted to
20 read as follows:

21 §407.4. Louisiana HIPPY Coordinator; appointment; duties and responsibilities

22 * * *

23 C. The HIPPY coordinator shall, in addition to working with the department
24 ~~and the HIPPY Advisory Board~~, promote program expansion, encourage local
25 development of HIPPY programs, and provide consultation and guidance to
26 localities interested in developing and implementing HIPPY programs.

27 D. The department and the HIPPY coordinator shall ~~work in consultation~~
28 ~~with the HIPPY Advisory Board to~~ set standards for funding qualified HIPPY
29 programs.

1 E. Upon the expiration of the initial three years, the governor and the
2 department ~~and the HIPPY Advisory Board~~ shall consult and shall determine the
3 placement of the office of the HIPPY coordinator best suited for the performance of
4 the coordinator's responsibilities.

5 * * *

6 (B) R.S. 17:407.1(4) and 407.3 and R.S. 36:651(V) are hereby repealed in their
7 entirety.

8 **A. Z. Young Memorial Commission.**

9 Section 5.(A) R.S. 49:149.62(B) is hereby amended and reenacted to read as follows:

10 §149.62. A. Z. Young Park

11 * * *

12 B. In recognition of the A. Z. Young Park, the division of administration
13 shall place and permanently display in a prominent location in the park a plaque and
14 memorial honoring A. Z. Young. ~~The design, content, and location of the plaque and~~
15 ~~memorial shall be subject to the approval of the A. Z. Young Memorial Commission.~~
16 In addition, any dedication or memorial to A. Z. Young formerly contained within
17 the former state building known as the A. Z. Young Building shall be placed in a
18 suitable location on the grounds of the park.

19 (B) R.S. 49:149.62(C) is hereby repealed in its entirety.

20 **Archaeological Survey and Antiquities Commission.**

21 Section 6.(A) R.S. 48:55 is hereby amended and reenacted to read as follows:

22 §55. Department of Culture, Recreation and Tourism rules and regulations;
23 applicability

24 Rules and regulations of the Department of Culture, Recreation and Tourism
25 adopted ~~in pursuance of the aims and purposes of the Louisiana Archaeological~~
26 ~~Survey and Antiquities Commission and the provisions of R.S. 41:1601-R.S.~~
27 ~~41:1613~~ pursuant to R.S. 41:1601 et seq. shall not apply to construction,
28 reconstruction, maintenance, or other projects undertaken by the department unless
29 the secretary, within his discretion, finds the application of such rules and regulations

1 will not cause any undue or expensive delay in the completion of such projects. This
2 Section shall not apply to federal aid projects. Notwithstanding any other provision
3 in the law to the contrary, before any construction, reconstruction, maintenance, or
4 other project is undertaken by the Department of Transportation and Development,
5 the secretary of such department shall notify the ~~Louisiana Archaeological Survey~~
6 ~~and Antiquities Commission~~ state archaeologist of ~~its~~ his intent to let such contract
7 and furnish complete details of such contract to the ~~commission~~ state archaeologist.
8 If, during the construction, reconstruction or maintenance of a project undertaken by
9 the Department of Transportation and Development, any artifact is uncovered or
10 found, the department shall suspend that part of the project and notify the ~~Louisiana~~
11 ~~Archaeological Survey and Antiquities Commission~~ state archaeologist of the find
12 and give ~~the commission~~ him reasonable opportunity to protect such find or artifact.

13 (B) R.S. 49:968(B)(3)(a) is hereby amended and reenacted to read as follows:

14 §968. Review of agency rules; fees

15 * * *

16 B. Prior to the adoption, amendment, or repeal of any rule or the adoption,
17 increasing, or decreasing of any fee, the agency shall submit a report relative to such
18 proposed rule change or fee adoption, increase, or decrease to the appropriate
19 standing committees of the legislature and the presiding officers of the respective
20 houses as provided in this Section. The report shall be so submitted on the same day
21 the notice of the intended action is submitted to the Louisiana Register for
22 publication in accordance with R.S. 49:953(A)(1). The report shall be submitted to
23 each standing committee at the committee's office in the state capitol by certified
24 mail with return receipt requested or by messenger who shall provide a receipt for
25 signature. The return receipt or the messenger's receipt shall be proof of receipt of
26 the report by the committee.

27 * * *

28 (3) The Department of Culture, Recreation and Tourism and all of the
29 agencies made a part of it, except as otherwise provided in this Paragraph, shall

submit the report to the House Committee on Municipal, Parochial and Cultural Affairs and the Senate Committee on Commerce, Consumer Protection, and International Affairs.

(a) The office of the state library, the office of the state museum, the State Board of Library Examiners, ~~the Louisiana Archaeological Survey and Antiquities Commission~~, the Board of Directors of the Louisiana State Museum, the Board of Commissioners of the State Library of Louisiana, the Louisiana State Arts Council, ~~the Louisiana State Capitol Fiftieth Anniversary Commission~~, and the Louisiana National Register Review Committee shall submit the report to the House Committee on Municipal, Parochial and Cultural Affairs and the Senate Committee on Education.

* * *

(C) R.S. 36:209(C)(1) and R.S. 41:1602 are hereby repealed in their entirety.

Louisiana Unmarked Burial Sites Board.

Section 7.(A) R.S. 8:673, 676, 677, 678(A)(introductory paragraph), 679(A), (B)(introductory paragraph), (C), and (D), 680, and 681 are hereby amended and reenacted to read as follows:

§673. Definitions

As used in this Chapter, unless the context clearly indicates otherwise, the following terms shall have the meanings indicated:

~~(1) "Board" means the Unmarked Burial Sites Board.~~

~~(2)~~ (1) "Burial artifact" means any item of human manufacture or use that is in an unmarked burial site.

~~(3)~~ (2) "Disturb" includes excavating, removing, exposing, defacing, mutilating, destroying, molesting, or desecrating in any way any unmarked burial sites or any human skeletal remains, burial artifacts, or burial markers on or in an unmarked burial site without a permit.

~~(4)~~ (3) "Human skeletal remains" means any part of the body of a deceased human being in any stage of decomposition.

1 (4) "Secretary" means the secretary of the Department of Culture, Recreation
2 and Tourism or the person designated by the secretary to administer the provisions
3 of this Chapter.

(5) "Unmarked burial site" means the immediate area where one or more human skeletal remains are found in the ground that is not in a recognized and maintained municipal, fraternal, religious, or family cemetery, or a cemetery authorized by the Louisiana Cemetery Board.

8 * * *

9 §676. Powers and duties of the board secretary

10 A. The ~~Louisiana Unmarked Burial Sites Board~~ secretary shall have the
11 following powers and duties:

(1) To implement and to enforce this Chapter and the powers and duties assigned to the ~~board~~ secretary by law.

(2) To adopt such rules and regulations as are necessary to implement and to enforce this Chapter and the powers and duties assigned to the ~~board~~ secretary by law. All rules and regulations shall be adopted in accordance with the Administrative Procedure Act.

(3) To consult with all interested parties on occasions of disturbance of unmarked burial sites to determine a proper course of action.

(4) To institute civil proceedings seeking injunctive or other relief to restrain and to prevent violations of this Chapter or the laws or administrative rules administered or enforced by the board secretary.

(5) To institute civil proceedings seeking restitution, payment of costs, or other monetary relief necessary to prevent, restore, or repair damage to unmarked burial sites, human skeletal remains, or burial artifacts from unmarked burial sites, or to retrieve human skeletal remains or burial artifacts removed in violation of this Chapter.

(6) To issue permits for the disinterment and/or for the scientific study of human skeletal remains and burial artifacts found in unmarked burial sites. The

1 ~~board~~ secretary may adopt rules and regulations to provide for the issuance of
2 emergency permits by the state archaeologist.

3 (7) To charge a permit fee not to exceed one hundred dollars for each such
4 permit. The monies collected from the issuance of permits, subject to applicable
5 provisions of law, shall be used as provided for funds from civil damages in
6 Subsection B of this Section.

7 (8) To issue permits for the special exhibition of human skeletal remains
8 from unmarked burial sites if the ~~board~~ secretary determines that the remains are of
9 exceptional scientific or cultural significance.

10 (9) To issue permits for the use of human skeletal remains which have been
11 legally obtained from unmarked burial sites and are intended strictly for teaching
12 purposes at accredited institutions of higher learning, including but not limited to
13 nonpublic display of human skeletal remains.

14 B. Civil damages, except for attorney fees, recovered by the ~~board~~ secretary,
15 subject to applicable provisions of law, shall be used by the ~~board~~ secretary to
16 implement and enforce this Chapter and to fund activities of the division of
17 archaeology in regard to restoration and protection of burial sites, in accordance with
18 regulations adopted by the ~~board~~ secretary and other applicable laws. Attorney fees
19 shall be paid to the Louisiana Department of Justice.

20 C. Provisional permits may be used by the division of archaeology until ~~such~~
21 ~~time as the board is appointed and has adopted~~ rules and regulations governing
22 permitting are adopted.

23 §677. Revocation or suspension of permits

24 A. The ~~board~~ secretary may revoke or suspend any permit issued under the
25 provisions of this Chapter upon a determination ~~by the board~~ that the holder of the
26 permit has violated the provisions of this Chapter or the rules and regulations ~~of the~~
27 ~~board~~ adopted pursuant thereto, or has failed to meet the professional or occupational
28 standards determined by the ~~board~~ secretary, or has failed to insure that the personnel

1 employed by the holder of the permit meet the professional or occupational standards
2 determined by the ~~board~~ secretary.

3 B. Permits may be revoked or suspended only by a ruling of the ~~board~~
4 secretary based on an adjudicatory hearing held in accordance with the provisions
5 of the Louisiana Administrative Procedure Act.

6 C. The ~~board~~ secretary shall notify each person whose permit has been
7 revoked or suspended, by certified mail, return receipt requested.

8 D. Each person whose permit has been revoked or suspended shall return the
9 permit to the ~~board~~ secretary within fifteen days of the date on which the notice of
10 the revocation or suspension was received.

11 §678. Unlawful acts

12 A. It is unlawful for any person, entity, or group, to whom the ~~board~~
13 secretary has not issued a permit, to knowingly:

14 * * *

15 §679. Civil remedies

16 A. The ~~board~~ secretary may institute civil proceedings seeking injunctive
17 relief to restrain and prevent violations of this Chapter or the laws or administrative
18 rules administered or enforced by the ~~board~~ secretary.

19 B. The ~~board~~ secretary may also institute civil proceedings seeking civil
20 damages from any person who knowingly violates any provision of R.S. 8:678. Civil
21 damages shall include any or all of the following:

22 * * *

23 C. The ~~board~~ secretary may bring actions for injunctive relief or civil
24 damages in either the district court for the parish of East Baton Rouge or in the
25 district court where the unmarked burial site, the human skeletal remains, or the
26 burial artifacts are located.

27 D. The attorney general shall represent the ~~board~~ secretary in all matters
28 pertaining to the administration or enforcement of this Chapter, or both, except in
29 those matters in which the ~~board~~ secretary has employed special counsel. The ~~board~~

1 secretary may employ and shall fix the compensation of such special counsel with
2 the concurrence of the attorney general and in accordance with the laws and
3 regulations regarding employment of special counsel.

4 §680. Discovery of unmarked burial sites, human skeletal remains, and burial
5 artifacts

6 A. Any person who has reason to believe he or she has discovered an
7 unmarked burial site or received human skeletal remains from an unmarked burial
8 site shall notify the law enforcement agency of the jurisdiction where the site or
9 remains are located within twenty-four hours of discovery. Any person who has
10 reason to believe he or she has discovered or received burial artifacts shall notify the
11 ~~board~~ secretary through the division of archaeology within seventy-two hours of the
12 discovery. Failure to give notice as required is a misdemeanor punishable by a fine
13 of not less than one hundred dollars nor more than one thousand dollars.

14 B. Any activity that may disturb the unmarked burial site, human skeletal
15 remains, or burial artifacts associated with the site shall immediately cease on
16 discovery. No activity which will disturb the unmarked burial site shall resume until
17 the ~~board~~ secretary has issued a permit governing the disposition of the unmarked
18 burial site, the human skeletal remains, or the burial artifacts. In no event shall the
19 ~~board~~ secretary take longer than thirty days to decide on issuance of a permit without
20 the written agreement of all parties.

21 C. Each law enforcement agency that receives notice of an unmarked burial
22 site or human skeletal remains shall immediately notify the coroner of the parish
23 where the site or remains are found. The law enforcement agency shall also notify
24 the ~~board~~ secretary through the division of archaeology within two business days of
25 any discovery unless circumstances indicate that the death or burial is less than fifty
26 years old or that there is need for a criminal investigation or legal inquiry by the
27 coroner.

28 D. If the coroner finds that the unmarked burial site is over fifty years old
29 and that there is no need for a legal inquiry by his office or for a criminal

1 investigation, the ~~board~~ secretary shall have jurisdiction of the site, human skeletal
2 remains, and the burial artifacts.

3 §681. Disposition of unmarked burial sites, human skeletal remains, and burial
4 artifacts

5 A. Whenever an unmarked burial site, human skeletal remains from an
6 unmarked burial site, or burial artifacts are reported to the ~~board~~ secretary, the
7 disposition of unmarked burial sites, human skeletal remains, or burial artifacts shall
8 proceed as follows:

9 (1) Every reasonable effort is to be made to restore the unmarked burial site
10 and to avoid disturbing the human skeletal remains or burial artifacts:

11 (a) If the ~~board~~ secretary determines that the burial site has significant
12 scientific value, the ~~board~~ secretary may issue a permit for scientific study.

13 (b) Any agreement by the owner of the property to leave the unmarked burial
14 site undisturbed shall not constitute consent on the owner's part to allow relatives of
15 the deceased or any other interested parties free access to the site without the owner's
16 permission.

17 (2) The ~~board~~ secretary shall make reasonable efforts to identify and locate
18 persons who can establish direct kinship with or descent from the individual whose
19 remains have been found.

20 (3) If the unmarked burial site or the human skeletal remains can be shown
21 to have ethnic affinity with a living Native American tribe, the ~~board~~ secretary shall
22 notify the tribe of the discovery.

23 (4) If the human skeletal remains must be removed, then control of the
24 disposition of these remains shall be in the following order:

25 (a) If any direct relations or descendants are found, such person or persons
26 shall have the right to control the disposition of the human skeletal remains in
27 accordance with R.S. 8:659.

1 (b) If the human skeletal remains can be shown to have ethnic affinity to any
2 living tribe of Native Americans, then the tribe shall have control of the disposition
3 of the human skeletal remains.

4 (c) If no direct relation or descendant is found or if no ethnic affinity of the
5 human skeletal remains to any living Native American tribe can be shown or if no
6 direct relation or descendant or Native American tribe takes responsibility for the
7 reinterment of the human remains, then the ~~board~~ secretary shall determine the
8 proper disposition of the human remains.

9 B. If a permit has been issued pursuant to R.S. 8:676(A)(6), the cost of
10 disinterment, reinterment, or study of the human skeletal remains shall be paid by the
11 persons or parties requesting the permit. In the event the ~~board~~ secretary must reinter
12 the remains, the burial shall be paid in the same manner as an indigent or pauper
13 burial.

14 C. All burial artifacts found in an unmarked burial site shall become the
15 property of the state and the ~~board~~ secretary shall be the custodian thereof. The
16 disposition of the burial artifacts shall be made by the ~~board~~ secretary in accordance
17 with its regulations. The ~~board~~ secretary may donate the burial artifacts to an
18 educational institution, a public museum, or a Native American tribe for display and
19 study purposes. In no event, however, shall the ~~board~~ secretary or any recipient sell
20 the burial artifacts.

21 (B) R.S. 36:209(H)(3) and R.S. 8:675 are hereby repealed in their entirety.

22 **Disability Services and Supports System Planning Group**

23 Section 8. R.S. 28:821(D) is hereby amended and reenacted to read as follows:

24 §821. Findings and purpose

25 * * *

26 D. It is the intention of the legislature that the state adhere to the principles
27 contained in this Chapter for program planning and development of programs for all
28 persons and their families needing long-term supports. ~~It is the intention of the~~
29 ~~legislature to create a planning group to study and recommend the improvement of~~

programs for persons needing long-term support. It is the intention of the legislature that the Department of Health and Hospitals and all other agencies receive advice and information from the Disability Services and Supports System Planning Group.

Statewide Health Coordinating Council.

Section 9.(A) R.S. 40:2109(C) is hereby amended and reenacted to read as follows:

§2109. Rules, regulations, and minimum standards

* * *

C. Any health care facility that proposes to utilize beds for post-hospital extended care, including distinct-part skilled, intermediate, and swing, and admits nursing home patients who receive Medicaid payments to those beds shall meet all licensure requirements for nursing homes. Such requirements shall include but not be limited to a nursing home license, employment of a nursing home administrator, social service designee, and a patient activity coordinator, and all need criteria and resource goals promulgated by the Department of Health and Hospitals Human Resources and the Statewide Health Coordinating Council pursuant to ~~Section 1122*~~ 42 U.S.C. 1320a-1. A review for need shall be conducted by the Department of Health and Hospitals Human Resources utilizing the State Health Plan resource goals and departmental need criteria regardless of whether there is a capital expenditure. If need is not established in accordance with the need criteria and resource goals, license shall be denied for utilization of those beds. Distinct-part skilled and swing beds approved for utilization pursuant to the provisions of this Subsection shall be limited to twenty such beds per hospital.

* * *

(B) R.S. 36:259(I)(2) is hereby repealed in its entirety.

Louisiana Medical Assistance Trust Fund Advisory Council.

Section 10.(A) R.S. 46:2623(B) and (D) are hereby amended and reenacted to read as follows:

§2623. Louisiana Medical Assistance Trust Fund

* * *

* * *

* * *

Minority Health Affairs Commission.

Louisiana Economic Development Council and Cabinet Advisory Group on Economic Development.

§935.1. Unified economic development budget report

* * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 B. The report shall include:

2 (1) A complete listing of each state economic development program which
3 the division of administration ~~and the Louisiana Economic Development Council~~
4 ~~have~~ has agreed should be included in the report and the agency or corporation which
5 ~~administer~~ administers them, if any.

6 * * *

7 D. The independent economist who prepares the biennial unified economic
8 development budget report shall prepare, ~~in consultation with the Louisiana~~
9 ~~Economic Development Council~~, an incentives competitiveness analysis section
10 which shall be included as a part of the report. This competitiveness analysis shall
11 compare the benefits offered in economic development programs in Louisiana with
12 those offered in the regional states with which the state competes for economic
13 development. The independent economist shall include in this analysis an
14 assessment of the total relative tax burden of businesses in Louisiana compared to
15 those regional states.

16 * * *

17 §2452. Intent

18 A. It is the intent of the Louisiana Legislature that the quality jobs benefits
19 provided for in this Chapter in contracts for which an application is filed with the
20 department after May 1, 2002, should be used primarily as an inducement for
21 businesses to locate or expand existing operations in Louisiana in accordance with
22 Louisiana Vision 2020 and the Department of Economic ~~Development and the~~
23 ~~Louisiana Economic Development Council's~~ Development's focus on Louisiana's
24 traditional and seed clusters: Advanced Materials; Agriculture, Forest and Food
25 Technology; Durable Goods (Marine, Automotive, Aviation); Entertainment;
26 Information Technology; Biotechnology, Biomedical, and Medical Industries serving
27 rural hospitals; Logistics and Transportation; Oil and Gas and Energy; and
28 Petrochemical and Environmental Technology. A business operation should be
29 considered for quality jobs benefits only if the business meets the provisions of R.S.

1 51:2453(2). It is the further intent of the Louisiana Legislature that the following
2 should apply to quality jobs benefits provided both before and after that date:

3 * * *

4 §2453. Definitions

5 The following words or terms as used in this Chapter shall have the following
6 meaning, unless a different meaning appears from the context:

7 * * *

8 (2) "Employer" shall mean a legal person who executes a contract with the
9 department pursuant to the provisions of this Chapter and who offers, or will offer
10 within ninety days of the effective date of qualifying for the incentive rebates
11 pursuant to the provisions of this Chapter, a basic health benefits plan to the
12 individuals it employs in new direct jobs in this state which shall be determined by
13 the Department of Economic Development to have a value of at least one dollar and
14 twenty-five cents per hour.

15 * * *

16 (d) The Department of Economic Development may promulgate rules
17 annually listing other employers, professions, or service industries which are eligible
18 and are not eligible for any rebate pursuant to this Chapter and such rules shall not
19 take effect unless presented to ~~the Louisiana Economic Development Council~~ and
20 approved by both the House Committee on Ways and Means and the Senate
21 Committee on Revenue and Fiscal Affairs in a public meeting held for such purpose.

22 * * *

23 (B) R.S. 36:4(Q) and (V), R.S. 51:955.3(F), and Chapter 39-A of Title 51 of the
24 Louisiana Revised Statutes of 1950, comprised of R.S. 51:2375 through 2383, are hereby
25 repealed in their entirety.

1 Manufactured Housing State Administrative Agency.

2 Section 13. R.S. 51:912.51 and 912.52 are hereby amended and reenacted to read
3 as follows:

4 §912.51. Definitions

5 As used in this Part, the following definitions shall apply:

6 (1) "Louisiana state plan" means the document which outlines the process
7 by which the state administrative agent shall ensure the effective handling of
8 consumer complaints and other information that relates to noncompliance, defects,
9 or imminent safety hazards, involving manufactured housing, together with any
10 responsibility delegated to the state administrative agent.

11 (2) "State administrative agency" means the ~~agency created within the office~~
12 ~~of the governor of the state of Louisiana which has sole responsibility for~~
13 ~~administering the Louisiana state plan pursuant to the federal standards enforcement~~
14 ~~program~~ office of the state fire marshal.

15 (3) "State administrative agent" or "agent" means the ~~director of the state~~
16 ~~administrative agency~~ state fire marshal.

17 §912.52. Louisiana state administrative agent

18 A. ~~The Louisiana state administrative agency is hereby created within the~~
19 ~~office of the governor. The state administrative agent, hereafter referred to as~~
20 ~~"agent", shall be the director of the Louisiana state administrative agency, which~~
21 ~~shall be the sole state agency responsible for administering the federal standards~~
22 ~~enforcement program.~~

23 B. ~~The agent shall be appointed by the governor with the consent of the~~
24 ~~Senate. The term of office for the agent shall be coterminous with that of the~~
25 ~~governor making his appointment. The agent shall serve until his successor is~~
26 ~~appointed and qualified. In the event of any vacancy, whether by death, resignation,~~
27 ~~removal, expiration of term, or otherwise, the vacancy shall be filled for the~~
28 ~~unexpired portion of the term in the manner provided herein.~~

1 ~~C. The agent shall take and subscribe to the oath of office required of public~~
2 ~~officials.~~

3 ~~D.~~ The agent is hereby vested with the powers and authority necessary and
4 proper to enable the agent to fully and effectively carry out and enforce the
5 provisions and objectives of the Louisiana state plan administered on behalf of the
6 United States Department of Housing and Urban Development, hereafter referred to
7 as "HUD". The agent is hereby authorized and empowered to adopt and promulgate
8 all reasonable rules and regulations to accomplish the objectives of the Louisiana
9 state plan. The enumeration of any power or authority herein shall not be construed
10 to deny, impair, disparage, or limit any others necessary to the attainment thereof.
11 All rules and regulations shall be adopted in accordance with the provisions of the
12 Administrative Procedure Act. Oversight review shall be conducted by the House
13 Committee on Commerce and the Senate Committee on Commerce, Consumer
14 Protection, and International Affairs.

15 ~~E.~~ B. The power and authority of the agent shall include but not be limited
16 to the following:

17 (1) Working with manufactured home consumers, manufacturers, retailers,
18 developers, salesmen, and installers to hear consumer complaints and other
19 information that relates to noncompliance, defects, or imminent safety hazards as set
20 forth in 24 CFR Part 3282, Subpart I. The agent may make final determinations
21 regarding consumer complaints.

22 (2) The right to enter at a reasonable time and inspect all factories,
23 warehouses, or establishments in the state in which manufactured homes are
24 manufactured.

25 (3) Imposing civil and criminal penalties payable to the state through the
26 Louisiana Manufactured Housing Commission as provided for in 42 U.S.C. 5410.

27 (4) Establishing necessary notification and corrective procedures under 24
28 CFR Part 3282, Subpart I.

1 (5) Providing oversight as prescribed by law of remedial actions carried out
2 by manufacturers and a manufacturer's handling of consumer complaints as to plants
3 located within the state.

4 (6) Establishing a monitoring inspection fee in accordance with the
5 guidelines established by the secretary of HUD and providing for participation in the
6 federal fee distribution system.

7 **Economic Development Funding Board.**

8 Section 14. Article XIV, Section 47(P)(3) of the Constitution of 1921, continued as
9 statute by Article XIV, Section 16, of the Constitution of 1974, is hereby amended and
10 reenacted to read as follows:

11 §47. Louisiana Stadium and Exposition District

12 Section 47.

13 * * *

14 (P)

15 * * *

16 (3) The promotional and economic development activities engaged in and
17 the control and management of the funds accruing from the surplus shall be vested
18 in the ~~Economic Development Fund Board comprised of:~~ Louisiana Stadium and
19 Exposition District.

20 ~~(a) The designee of the facility management group.~~

21 ~~(b) The chairman of the Louisiana Stadium and Exposition District.~~

22 ~~(c) The executive director of the Greater New Orleans Tourism and~~
23 ~~Convention Commission, or his designee.~~

24 ~~(d) The executive director of the New Orleans Sports Foundation.~~

25 ~~(e) A designee of the governor.~~

26 * * *

27 **Uniform Payroll Insurance Committee.**

28 Section 15. R.S. 42:456.2 is hereby repealed in its entirety.

1 **Executive Branch Reorganization.**

2 Section 16.(A) R.S. 36:3(2), 301(A), and 913(A) are hereby amended and reenacted
3 to read as follows:

4 §3. Definitions

5 For the purposes of this Title the following terms shall have the following
6 meanings unless the context clearly indicates otherwise:

7 * * *

8 (2) "Assistant secretary" means the officer designated by law or by the
9 secretary of each department to carry out the duties and functions of an office within
10 certain departments, except an office of management and finance and the office of
11 state police of the Department of Public Safety and Corrections. For the Louisiana
12 Workforce Commission, the "director" shall mean the officer designated by law or
13 by the executive director to carry out the duties and functions of an office within the
14 Louisiana Workforce Commission except the office of management and finance.

15 * * *

16 §301. Louisiana Workforce Commission; creation; domicile; composition; purposes
17 and functions

18 A. The Louisiana Workforce Commission is created and shall be a body
19 corporate with the power to sue and be sued. The domicile of the commission shall
20 be in Baton Rouge. The Louisiana Workforce Commission shall be deemed to be
21 one of the twenty departments of the executive branch of state government as
22 provided in Article IV, Section 1 of the Constitution of 1974 and as ~~created and~~
23 ~~continued~~ provided in this Title.

24 * * *

25 §913. Transfer; certain appointing authority retained

26 A. The agencies transferred by the provisions of R.S. ~~36:629(D)~~ 36:509(L)
27 and 629(D) shall be transferred as provided in this Part except that each agency so

1 transferred shall continue to appoint its own director and assistant director or
2 personnel to fill comparable positions as provided by law.

3 * * *

4 (B) R.S. 36:259(R), 309(E) and (F), and 805 are hereby repealed in their entirety.

5 Section 17. Except as otherwise provided by law, the transfer of functions, authority,
6 business, obligations, property, and employees pursuant to the abolition of entities as
7 provided in this Act shall be in accordance with R.S. 36:921 et seq.

8 **Board of Examiners of Certified Shorthand Reporters**

9 Section 18.(A) R.S. 37:2551 and 2552(A) are hereby amended and reenacted to read
10 as follows:

11 §2551. Creation of board of examiners; purposes; membership; expenses

12 A. There is hereby created a Board of Examiners of Certified Shorthand
13 Reporters within the office of the governor for the purpose of encouraging
14 proficiency in the practice of shorthand reporting as a profession, promoting
15 efficiency in court and general reporting, and extending to the courts and to the
16 public the protection afforded by a standardized profession by establishing a standard
17 of competency for those persons engaged in it.

18 B. ~~Within thirty days from the effective date of this Section, the governor~~
19 ~~shall appoint nine persons to membership on the board of examiners. Each~~
20 ~~appointment by the governor shall be submitted to the Senate for confirmation.~~

21 (1) The board shall be comprised as follows:

22 (a) Four members shall be appointed by the Supreme Court of Louisiana.
23 One of the members shall be a judge, and three of the members shall be certified
24 shorthand reporters.

25 (b) Three members shall be appointed by the governor, subject to
26 confirmation by the Senate. Each member shall be a certified shorthand reporter.

27 (c) One member shall be appointed by the speaker of the House of
28 Representatives. The member shall be an attorney.

- 1 of the House of Representatives shall appoint a member to fill the next vacancy. The
2 president of the Senate shall appoint a member to fill the final vacancy.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Smiley

HB No. 852

Abstract: Provides for the abolition of certain boards, commissions, authorities, and like entities; in some cases also abolishes the functions and responsibilities of the entity; in other cases provides that some other person or entity is responsible for the functions and responsibilities of the abolished entity. Changes the way the Board of Examiners of Certified Shorthand Reporters is appointed.

Proposed law provides for the abolition of certain boards, commissions, political subdivisions, authorities, and like entities; in some cases also abolishes the functions and responsibilities of the entity; in other cases provides that some other person or entity is responsible for the functions and responsibilities of the abolished entity, all as follows:

Educational Assessment Testing Commission: Present law creates the commission to study elementary and secondary education testing issues, indicators of student performance, and the results thereof and to serve as advisor to the State Board of Elementary and Secondary Education and recommend procedures for conducting, maintaining, and reporting reliable accountability measures of student performance. Proposed law abolishes the commission and its functions.

Interim school board for Central Community School System: Present law created the interim school board to govern the school system only until the initial elected members of the Central Community School Board took office. Proposed law abolishes the interim school board and its functions.

La. Home Instruction for Preschool Youngsters Advisory Board: Present law creates the advisory board to assist in developing standards for funding qualified HIPPY programs and raising public awareness of such programs and to provide consultation and guidance to the HIPPY coordinator and the Dept. of Education. Proposed law abolishes the board and its functions.

A. Z. Young Memorial Commission: Present law establishes the A. Z. Young Park on public lands formerly occupied by the state building known as the A. Z. Young Building in downtown Baton Rouge. Requires the division of administration to place a plaque and memorial honoring A. Z. Young at the park. Proposed law retains present law. Present law, which expires on Aug. 15, 2009, creates the A. Z. Young Memorial Commission to approve the design, content, and location of the plaque and memorial. Proposed law abolishes the commission

Archaeological Survey and Antiquities Commission: Present law creates the commission to promote the goals and objectives of the Dept. of Culture, Recreation and Tourism and to act in an advisory capacity to that department and its secretary in their administration of present law relative to protecting and preserving prehistoric and historic properties, artifacts, treasure troves, and objects of antiquity which have historical value or which are of interest to the public, and in other matters relating to antiquities, archaeology, and other cultural resources. Proposed law abolishes the commission and its functions.

La. Unmarked Burial Sites Board: Present law creates the board within the Dept. of Culture, Recreation and Tourism to protect unmarked burial sites and human skeletal remains and burial artifacts in such sites. Authorizes the board to implement present law through the exercise of various powers and functions including: adoption of rules, institution of civil actions to restrain and prevent disturbance of unmarked burial sites and otherwise to enforce present law, to seek restitution and other monetary relief, and to issue permits for disinterment and scientific study of human remains and burial artifacts. Proposed law abolishes the board and transfers the powers, duties, and functions of the board to the secretary of the Dept. of Culture, Recreation and Tourism or his designee.

La. Medical Assistance Trust Fund Advisory Council: Present law authorizes the Dept. of Health and Hospitals to impose a fee for health care services provided by the Medicaid program. Provides for deposit of the proceeds of the fee into the La. Medical Assistant Trust Fund and the use of monies in the fund for the Medicaid program. Creates the advisory board to advise the secretary in the administration of the trust fund, advise on rules pertinent to the administration of the trust fund, and review the financial records and accounts of the fund and make recommendations to the secretary. Proposed law abolishes the advisory council and its functions.

La. Economic Development Council and Cabinet Advisory Group on Economic Development: Present law creates the council and provides that it is responsible for directing the economic development policymaking and strategic economic development planning of the state for recommendation to the governor and the legislature. Provides that the council shall formulate the State Master Plan for Economic Development. Also creates the cabinet advisory group and provides that the group shall advise, coordinate with, and provide research, information, and staff support to the La. Economic Development Council upon the request of the council. Proposed law abolishes the council and its functions. Also abolishes the cabinet advisory group.

Manufactured Housing State Administrative Agency: Present law establishes regulations of the manufactured housing industry, including manufacturing, retail, and sales facets of the industry. Present law provides for the state administrative agency and state administrative agent. Authorizes the agent to carry out and enforce the state plan on behalf of the U.S. Dept. of Housing and Urban Development. The state plan outlines effective handling of consumer complaints and other information that relates to noncompliance, defects, or imminent safety hazards involving manufactured housing. Proposed law provides that the state fire marshal is the state administrative agent and his office is the state administrative agency.

Economic Development Funding Board: Present law creates this board within the La. Stadium and Exposition District (the superdome commission). Provides that the board is responsible for promotional and economic activities of the district. Further provides that the board controls and manages certain surplus funds of the district, which are funds, tax proceeds, and otherwise, remaining after various obligations are met. Proposed law transfers these functions and duties to the La. Stadium and Exposition District.

Uniform Payroll Insurance Committee: Present law requires the governor to establish by executive order a uniform payroll study committee to study all issues related to the administration, availability, and purchase of certain insurance products by state employees through the state Uniform Payroll System. Proposed law repeals present law.

Proposed law removes references to the following previously abolished entities: the Adult Learning Task Force, the Disability Services and Supports System Planning Group, the Statewide Health Coordinating Council, and the Minority Health Affairs Commission.

Present law creates the Board of Examiners of Certified Shorthand Reporters within the office of the governor for the purpose of encouraging proficiency in the practice of shorthand reporting as a profession, promoting efficiency in court and general reporting, and extending to the courts and to the public the protection afforded by a standardized profession by establishing a standard of competency for those persons engaged in it. Proposed law retains present law.

Present law provides that the governor appoints all nine members of the board, subject to Senate confirmation. Proposed law provides instead for appointment of the board as follows:

- (1) The state Supreme Court appoints four members, one of whom shall be a judge and three of whom shall be certified shorthand reporters.
- (2) The governor appoints three members, subject to Senate confirmation, each of whom shall be a certified shorthand reporter.
- (3) The speaker of the House and the president of the Senate each appoints one member, both of whom shall be attorneys.

Proposed law provides that current members continue to serve and initial vacancies be filled pursuant to proposed law in the following order: the Supreme Court fills the first four vacancies, the governor fills the next three vacancies, the speaker fills the next vacancy, and the president of the Senate fills the 9th initial vacancy.

(Amends R.S. 8:673, 676, 677, 678(A)(intro. para.), 679(A), (B)(intro. para.), (C), and (D), 680, and 681, R.S. 17:407.4(C), (D), and (E), R.S. 28:821(D), R.S. 36:3(2), 301(A), and 913(A), R.S. 37:2551 and 2552(A), R.S. 40:2109(C), R.S. 46:2623(B) and (D), R.S. 48:55, R.S. 49:149.62(B) and 968(B)(3)(a), R.S. 51:912.51, 912.52, 935.1(A)(1)(a), (B)(1), and (D), 2452(A)(intro. para.), and 2453(2)(d), and Art. XIV, §47(P)(3) of the Constitution of 1921; Repeals R.S. 8:675, R.S. 17:24.4(J), 66.1, 407.1(4), 407.3, and 3951(B)(13), R.S. 36:4(Q) and (V), 209(C)(1) and (H)(3), 259(I)(2), (K), (R), and (T), 309(E) and (F), 651(V) and (W), and 805, R.S. 41:1602, R.S. 42:456.2, R.S. 46:2622(2) and 2624, R.S. 49:149.62(C), and R.S. 51:955.3(F) and 2375–2383)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Removes provisions for abolition of the following: the La. Council on Obesity Prevention and Management, the Governor's Council on Physical Fitness and Sports, the Mansfield Female College Museum, the La. Byways Commission, the Mississippi River Road Commission, the La. Advisory Committee on Licensing of Child Care Facilities and Child Placing Agencies, the Advisory Committee on Equal Opportunity, the Mississippi River Bridge Authority, the Millennium Port Authority, the Solid Waste Management System Operators Board of Certification and Training, the La. Technology Innovations Council, the Crab Task Force, the Manufactured Housing Commission, the Pet Overpopulation Advisory Council, the Bossier Parish Pari-Mutuel Live Racing Economic Redevelopment and Gaming Control Assistance District, and the Calcasieu Parish Pari-mutuel Live Racing Economic Redevelopment and Gaming Control Assistance District.
2. Adds repeal of provision for the Uniform Payroll Insurance Committee.
3. Adds provisions making additional technical corrections to the Executive Reorganization Act.

House Floor Amendments to the engrossed bill.

1. Removes provisions for abolition of the Process Technology Advisory Board.
2. Adds provisions relative to the appointment of the members of the Board of Examiners of Certified Shorthand Reporters.

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